

OCA 87-5869  
27 November 1987

MEMORANDUM FOR THE RECORD

SUBJECT: Policy Coordination Group (PCG) Meeting on Oversight Legislation

25X1 1. On 23 November 1987, the PCG was convened at the White House situation room to discuss the Administration's response to the Boren/Cohen Intelligence Oversight bill. Chairing the PCG was Secretary of Defense Frank Carlucci. Also present were Clair George and Dave Gries, CIA; Alison Fortier, Barry Kelly, Jim Collins, Paul Stevens, Nick Rostow, National Security Council (NSC); Dave Addington, White House Legislative Affairs; [redacted] National Security Agency (NSA) General Counsel; Richard Armitage and Kathleen Buck, Department of Defense (DoD); Arnold Donahue, Office of Management and Budget (OMB); Mort Abramowitz and Mike Armocost, State Department; Mary Lawton, Department of Justice (DoJ), and several other representatives of the Department of State and White House.

2. The meeting began with Mr. Carlucci emphasizing the President's strong opposition to the Boren/Cohen Oversight bill. Mr. Carlucci stated that the bill undercuts the President's authority to conduct special activities. Clair George added that the bill also had grave implications for protecting sources and methods with respect to intelligence collection. Dave Gries then summarized the most objectionable provisions of S. 1721 from CIA's perspective. Mr. Armitage added to this summary by noting that the bill has a definition of special activities that would cover several DoD special operations. This definition would require reporting of these operations to several congressional committees. DoD strongly objected to this provision.

3. The meeting then turned to a discussion of legislative strategy to combat S. 1721. The suggestion that CIA negotiate on all the objectionable provisions but the 48-hour notification requirement was rejected because it was feared that the Agency would be able to fix the other provisions, which would make it difficult to sustain a veto. The participants all felt that the Committee would never compromise on the 48-hour notification requirement. This led the NSC staff to argue that the Administration should not improve the bill because it would only make it more difficult to sustain a veto. I responded by pointing out that this was a dangerous strategy since it was entirely possible that the President's veto would be overridden and that the Agency would then be forced to live with objectionable provisions that could have been fixed.

4. A decision was eventually made to get the Committee to delay its expected markup of the bill until after the Christmas holiday. A delay would allow more time to study the implications of the bill and also would work to the Administration's advantage since the momentum behind the legislation would be weakened as time passes. As part of this strategy, the participants agreed

to offer the Secretaries of State and Defense as witnesses to testify in a public hearing on the bill. Attorney General Meese was also mentioned as a possible witness. It was felt the Committee would delay markup to hear these witnesses. It was also agreed that the Committee should call several former government officials to testify on the bill. Ms. Fortier stated that she would communicate this information to the Committee and arrange for the testimony. It was agreed a letter should be sent to the Committee at some point requesting that the Committee delay a markup so that it has time to hear from Administration and non-governmental witnesses.

5. Mr. Gries stated that this arrangement was acceptable, but that the Agency was still on the hook to meet with Committee staff to informally discuss our concerns with the bill and provide technical help in fixing the provisions. Mr. Gries noted that Director Webster had promised the Committee to provide this help. This led Mr. Carlucci to remark that the Administration would have to stall, negotiate with Committee staff and threaten veto all at the same time...a difficult chore indeed! Mr. Stevens stated that it was premature for the Agency to meet with Committee staff on the bill since other agencies were still studying the bill to determine how it would impact on their operations.

6. Because the issue of CIA staff discussions with the Committee on the bill was not clearly resolved at the end of the PCG, Mr. Gries requested that several of the participants remain to discuss how this issue would be handled. It was agreed that discussions with the Committee staff would be made through an interagency group that would have representatives from CIA, DoD, DoJ, NSC and the State Department. Ms. Fortier promised to organize the group. Mr. Gries stated that he would inform the SSCI staff of this decision, and have them get in touch with Ms. Fortier to arrange a meeting. Mr. Gries stated that SSCI would want the meeting to occur rather quickly.

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